

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 453 – SB 934

April 9, 2013

SUMMARY OF ORIGINAL BILL: Authorizes a juvenile court to assign a long-term mentor to a child that is found to be a delinquent child based on conduct involving the use of a firearm or to require that the child or any of the child's family members receive counseling services from the Department of Children's Services (DCS), the juvenile court, or any private counseling services provided through and approved by the juvenile court. The cost of the long-term mentor is to be paid from the resources of the court or DCS, or to be provided by a volunteer mentoring program designed specifically to serve delinquent children and approved by the juvenile court. Authorizes a court to transfer a child 16 years of age or older to be tried as an adult in a criminal court of competent jurisdiction for any offense involving the use of a firearm. The Commissioner of Children's Services is authorized to develop and institute courses of instruction and training in canine behavior within the youth development centers.

FISCAL IMPACT OF ORIGINAL BILL:

Increased State Expenditures - \$846,200

Increased Federal Expenditures - \$71,800

Other Fiscal Impact - The number of children that might receive counseling and mentoring services through a juvenile court cannot be quantified. Local government expenditures could increase if a juvenile court chooses to provide these services.

SUMMARY OF AMENDMENT (006644): Deletes all language after the enacting clause. Authorizes a court, in lieu of committing a child found to be delinquent to the custody of DCS, to order assignment of a long-term mentor to the child or to require that the child or any of the child's family members receive counseling services from any counseling service provided through or approved by the court. The order is authorized only if the funding necessary to implement the order is appropriated by the legislative body of the county in which the court is located or is provided by grants from public or private sources. The Administrative Office of the Courts and local governments are urged to seek and apply for grants to fund the mentoring and counseling programs.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Other Fiscal Impact – Local expenditures will increase and state and federal expenditures will decrease if a child that is adjudicated delinquent is located in a county funding a mentoring and counseling program and a judge chooses to order the child to participate in the program in lieu of committing the child to DCS custody. The number of children that would be subject to the provisions of the bill cannot be quantified because it is not known which counties would choose to fund a mentoring and counseling program and how many children adjudicated delinquent in such a county a judge would determine appropriate for assignment to the program. It is estimated that the bill will result in a permissive increase in local expenditures of \$10,800 per child (144 hours x \$75) and a resulting per child decrease in state expenditures of at least \$4,933 and federal expenditures of at least \$3,167.

Assumptions for the bill as amended:

- The bill authorizes a juvenile court to order mentoring and counseling in lieu of committing a child adjudicated delinquent to DCS custody only if the funding necessary to implement the order is appropriated by the legislative body of the county in which the court is located or is provided from public or private grants.
- It is estimated that one child will receive 12 hours of mentoring and counseling per month for a year for a total of 144 hours per child (12 hours x 12 months). According to DCS, mentoring and counseling sessions cost \$75 per hour.
- It is estimated that the bill will result in a permissive increase in local expenditures of \$10,800 per child (144 hours x \$75).
- According to DCS, custody costs an average of \$90 per day per child. It is estimated that a child adjudicated delinquent is in DCS custody for at least 90 days.
- It is estimated that assignment of a child to a mentoring and counseling program will result in a decrease in expenditures of at least \$8,100 per child.
- Of the \$8,100, seven percent (\$567) will be Title IV-E funds, 49 percent (\$3,969) will be TennCare funds, and 44 percent (\$3,564) will be state funds.
- Of the \$3,969 TennCare funding, \$2,600 will be federal funds at a 65.5 percent match rate and \$1,369 will be state funds at a 34.5 percent rate.
- It is estimated that the total decrease in state expenditures will be at least \$4,933 per child (\$3,564 + \$1,369).
- It is estimated that the total decrease in federal expenditures will be at least \$3,167 per child (\$567 + \$2,600)
- The number of children that would be subject to the provisions of the bill cannot be reasonably quantified because it is not known which counties would choose to fund a mentoring and counseling program and how many children adjudicated delinquent in

such a county a judge would determine appropriate for assignment to the program in lieu of committing to DCS custody.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "Lucian D. Geise". The signature is stylized with a large "L" and "G". To the right of the main signature, there is a smaller, less legible handwritten mark that could be "KMD".

Lucian D. Geise, Executive Director

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